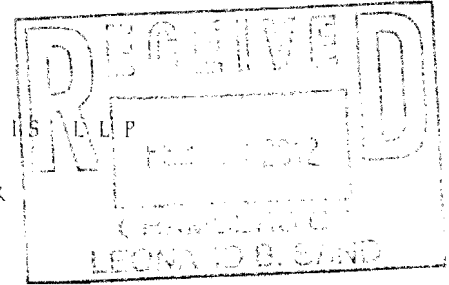


MEMO ENDORSED **KM&M**
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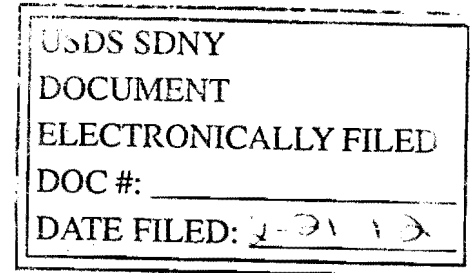


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February 17, 2012

BY HAND

Hon. Leonard B. Sand
United States District Judge
Southern District of New York
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St., Courtroom 15A
New York, NY 10007-1312



Re: New York City District Council of Carpenters Pension Fund et al. v. Forde et al., No. 11-cv-5474

Dear Judge Sand:

We represent the Plaintiffs in the above-referenced case. Two motions to dismiss Plaintiffs' First Amended Complaint were recently filed via ECF, (1) by Defendant Joseph Olivieri ("Olivieri") and (2) by Defendants EMB, Michael Batalias and Elisavet Batalias ("EMB Defendants").

We have consulted with Sullivan Gardner PC, attorneys for Olivieri, and Peckar & Abramson, P.C., attorneys for the EMB Defendants, and reached an agreement on a schedule for both motions, which we respectfully submit for the Court's consideration, as follows:

(1) Plaintiffs' opposition papers to both motions will be filed on or before March 21, 2012;

(2) As part of Plaintiffs' opposition papers, Plaintiffs will file one brief responding to both motions, of no more than 40 pages;

(3) Olivieri's reply papers and the EMB Defendants' reply papers will be filed on or before April 11, 2012; and

MEMO ENDORSED

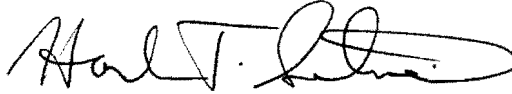
MEMO ENDORSED

Hon. Leonard B. Sand
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Page 2

as date to be determined by the Court.
(4) the return date for both motions will be ~~April 19, 2012~~, at 2:15 p.m.
(as per the Court's Individual Rules), or such other subsequent date and time as set by
the Court.

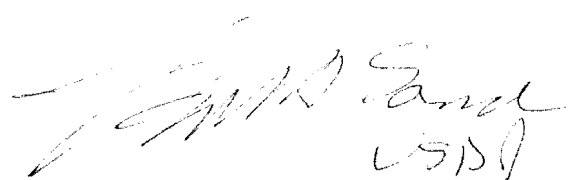
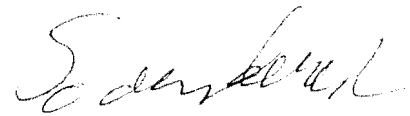
We appreciate the Court's attention to this matter.

Respectfully submitted,



Harlan J. Silverstein

cc: Brian Gardner, Esq.
Christopher Tumulty, Esq.
Laura Leibowitz, Esq.
Thomas Curran, Esq.
Raymond G. McGuire, Esq.
Scott Himes, Esq.


LBS

2/21/2012